

Judge Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT LANEY,

Defendant.

NO. CR04-5460FDB

PRELIMINARY  
ORDER OF FORFEITURE

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, and based upon the guilty plea of Defendant SCOTT LANEY to Conspiracy to Traffic in Counterfeit Labels and Computer Program Documentation, as charged in Count One of the Indictment, in violation of Title 18, United States Code, Sections 2318 and 371; and to Conspiracy to Engage in Money Laundering, as charged in Count Two of the Indictment, in violation of Title 18, United States Code, Section 1956(h), and upon the terms of the Plea Agreement filed in this matter between SCOTT LANEY and the United States, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 28, United States Code, Section 2461(c), Title 18, United States Code, Section 981(a)(1)(C), and Title 18, United States Code, Section 982, SCOTT LANEY's interest in the following real and personal properties is hereby forfeited to the United States of America:

a. The residence and real property located at 23501 NE 120th Court, Battle Ground, Washington;

1           b.     Approximately \$22,000.00 in proceeds from the interlocutory sale of one  
2 (1) 2002 Chevrolet Tahoe, VIN 1GNEK13Z42R148707;

3           c.     Approximately \$55,124.37 representing the cash balance and proceeds from  
4 the sale of securities frozen in Southwest Securities Account No. \*\*\*\*\*7315;

5           d.     Approximately \$82,620.70 representing the cash balance and proceeds from  
6 the sale of securities frozen in Southwest Securities Account No. \*\*\*\*\*9847;

7           e.     Approximately \$32,936.31 representing the cash balance and proceeds from  
8 the surrender of Northwestern Mutual Policy No. \*\*\*\*\*5904;

9           f.     Approximately \$14,811.14 in proceeds from the Insurance Service Account,  
10 Northwest Mutual Life;

11          g.     Approximately \$141,593.71 in U.S. Currency seized at 23501 NE 120th  
12 Court, Battle Ground, Washington;

13          h.     Approximately \$146,624.17 in proceeds from Riverview Community Bank  
14 Account No. \*\*\*\*\*7967, held in the name of FBSS Tech; and

15          i.     Approximately \$146,624.71 in proceeds from Riverview Community Bank  
16 Account No. \*\*\*\*\*7325, held in the name of Twenty First Century E-Software.

17           IT IS FURTHER ORDERED that pursuant Title 18, United States Code,  
18 Section 2318(d), all counterfeit labels or illicit labels and all articles to which counterfeit  
19 labels or illicit labels have been affixed or which were intended to have had such labels  
20 affixed, and any equipment, device, or material used to manufacture, reproduce, or  
21 assemble the counterfeit labels or illicit labels, are hereby forfeited to the United States of  
22 America and may be destroyed or otherwise disposed of, including but not limited to, all  
23 such items seized from:

24          a.     6518 NE 47th Street, Vancouver, Washington 98661;

25          b.     23501 NE 120th Court, Battle Ground, Washington 98604;

26          c.     237 NE Chaklov Drive, Suite 112, Vancouver, Washington 98684;

27          d.     3315 NE 112th Avenue, Suites A42, A43, and A44, Vancouver,  
28 Washington 98682;

1 e. 7929 NE St. Johns Blvd., Vancouver, Washington 98665; and

2 f. 35811 NE Lewisville Highway, Yacolt, Washington.

3 IT IS FURTHER ORDERED that the United States Marshals Service shall seize  
4 the above-described properties and maintain such seized properties in its custody and  
5 control until further order of this Court, or until this Order becomes final pursuant to  
6 Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

7 IT IS FURTHER ORDERED that pursuant to Title 21, United States Code,  
8 Section 853(n), the United States shall publish notice of the Preliminary Order of  
9 Forfeiture and of the intent of the United States to dispose of the properties in accordance  
10 with law. The notice shall run for one (1) day each week for three (3) consecutive weeks  
11 in the Daily Journal of Commerce and/or any other appropriate newspaper of general  
12 circulation. The notice shall state that any person, other than the defendant, having or  
13 claiming a legal interest in the above-described properties must file a petition with the  
14 Court within thirty (30) days of the final publication of notice or of receipt of actual  
15 notice, whichever is earlier.

16 The notice shall advise such interested persons that:

- 17 1. the petition shall be for a hearing to adjudicate the validity of the  
18 petitioner's alleged interest in such property;  
19 2. the petition shall be signed by the petitioner under penalty of perjury; and  
20 3. the petition shall set forth the nature and extent of the petitioner's right,  
21 title, or interest in the forfeited property.

22 The petition shall also set forth any additional facts supporting the petitioner's  
23 claim and the relief sought.

24 The United States shall also, to the extent possible, provide direct written notice as  
25 a substitute for the published notice to any person known to have an alleged interest in  
26 the above-described properties that are the subject of this Preliminary Order of Forfeiture.  
27 Upon adjudication of any third party claims, this Court will enter a Final Order of  
28

1 Forfeiture pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in  
2 which all such claims will be addressed.

3 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3) of the Federal Rules  
4 of Criminal Procedure, this Preliminary of Forfeiture shall become final as to the  
5 defendant at the time of sentencing and shall be made part of the sentence and included in  
6 the judgment. Based upon the Plea Agreement and the guilty plea entered by the  
7 defendant herein, the Court finds that the defendant had an interest in the forfeited  
8 properties listed above. If no third party files a timely claim, this Order shall become the  
9 Final Order of Forfeiture as provided by Rule 32.2(c)(2) of the Federal Rules of Criminal  
10 Procedure.

11 IT IS FURTHER ORDERED that after the disposition of any motion filed under  
12 Rule 32.2(c)(1)(A) of the Federal Rules of Criminal Procedure and before a hearing on  
13 any third party petition, discovery may be conducted in accordance with the Federal  
14 Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to  
15 resolve factual issues.

16 IT IS FURTHER ORDERED that the United States shall have clear title to the  
17 above-described properties following the Court's disposition of all third party interests,  
18 or, if none, following the expiration of the period provided in Title 21, United States  
19 Code, Section 853(n), for the filing of third party petitions.

20 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this  
21 Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of  
22 Criminal Procedure.

23 ///

24 ///

25 ///

26 ///

27

28

1 The Clerk of the Court is hereby directed to send a copy of this Preliminary Order  
2 of Forfeiture to all counsel of record and twenty-seven (27) "raised seal" certified copies  
3 to the United States Marshals Service in Seattle, Washington.

4 DATED this 13<sup>th</sup> day of October, 2006.  
5  
6  
7

8   
9

10 FRANKLIN D. BURGESS  
11 United States District Judge

12 Presented by:

13 s/Annette Hayes  
14 ANNETTE L. HAYES  
15 Assistant United States Attorney

16 s/Leonie Grant  
17 LEONIE G.H. GRANT  
18 Assistant United States Attorney  
19

20 s/Richard Troberman  
21 RICHARD J. TROBERMAN  
22 Attorney for Defendant Laney

23 s/Scott Laney  
24 SCOTT LANEY  
25 Defendant  
26  
27  
28